

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:19-CR-00277-01-JM**

**ANDRES LOWERY**

**ORDER**

The Prosecution's Motion to Relieve Counsel (Doc. No. 97) is GRANTED, and John William Crow is relieved as counsel.

Defendant's Motion to Appoint Counsel (Doc. No. 96) is DENIED.

Applying retroactive Guidelines Amendment 821 does not change Defendant's criminal history category. He remains a criminal history category VI based on his status as a career offender. Additionally, Defendant's plea agreement provides that he "waives the right to have these sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2) . . . ." <sup>1</sup> Because Defendant knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief. <sup>2</sup>

IT IS SO ORDERED this 27<sup>th</sup> day of December, 2023.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Doc. No. 82.

<sup>2</sup> *United States v. Cowan*, 781 F. App'x 571 (8th Cir. 2019) (affirming dismissal of a § 3582(c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).